

Frederick County Roads Board
Meeting Minutes of Monday, September 9, 2013

Present were:

Roads Board Members

Barbara Windsor, Chairperson
W. Peter Pearre, AIA, Vice Chairperson
Paul Fitzgerald, AIA
Steve Haller
Steven H. Burd

County Staff Members

Commissioner Kirby Delauter
Charles F. Nipe, Acting Director, Division of Public Works
Robert Shen, P.E. Department Head, Department of Engineering & Construction Mgmt.
David B. Ennis, P.E., Acting Department Head, Department of Highway & Facility Maintenance
William R. Routzahn, Superintendent, Office of Highway Operations
Donnie Crum, Assistant Superintendent, Office of Highway Operations
Jason M. Stitt, P.E., Chief, Office of Transportation Engineering
Dave Olney, Project Manager II, Office of Transportation Engineering
Penny Bryant, Administrative Assistant, Division of Public Works

(Official minutes of the Roads Board meetings are kept on file in the Department of Engineering and Construction Management. Approved minutes are available on the county's website. To view video recorded Roads Board meetings, visit the county's website at www.FrederickCountyMD.gov/roadsboard).

I. Call To Order and Pledge of Allegiance

- A. The Frederick County Roads Board met on Monday, September 9, 2013, at 7:00 p.m. for their quarterly public meeting. The meeting was held in the Commissioner's Hearing Room, Third Floor, of Winchester Hall, 12 East Church Street, Frederick, Maryland. The meeting was called to order by Chairperson, Barbara Windsor and was followed by the recitation of the Pledge of Allegiance.
- B. Introduction of the members of the Roads Board was led by Ms. Windsor. Mr. Shen introduced the County staff members. Ms. Windsor announced that Donnie Crum will be retiring from the County at the end September. Mr. Crum has served 34 years with the County and 22 years with the Roads Board. Ms. Windsor thanked him for his dedication and service.

II. Public Comments: At 00:02:20 of the video

- A. Public comment was heard from:
 - 1. Phil Olsen, 13033 Tower Road, Thurmont, Maryland – Complimented the Highway Department for the work they did on Tower Road this past spring and said that the calcium they put down was very effective in keeping the dust down. Pot hole patching also was effective. Suggested that 2 to 3 inch gravel be put down in areas that drop off into trenches on both sides by neighbor's driveways. Appreciates work being done to keep Tower Road in the Rural Roads Program.

2. Susan Hanson, 3205 Poffenberger Road, Jefferson, Maryland – Thanked Mr. Crum for his hard work and dedication to the County and Roads Board. Requested to come up again for comments later in the meeting.

III. Old Business At 00:08:42 of the video

- A. Approval of minutes of June 3, 2013. Upon a motion by Mr. Haller and seconded by Mr. Pearre the minutes were approved as presented.
- B. Tower Road – Staff Update: At the June 3, 2013 Roads Board meeting, staff was directed to come back and report if anything other than maintenance has been done on Tower Road. Mr. Shen reported that nothing other than regular maintenance has been done on Tower Road.
- C. Shoemaker Road:
 - 1). Shoemaker Road Survey - Staff Report (*see attachment “A”*): Dave Olney reported that at the June 3, 2013 Roads Board meeting, staff was directed to conduct a survey on Shoemaker Road to create a baseline to show any widening of the road. Mr. Olney explained that the area of road that is maintained (“traveled way”) includes shoulders and ditches along the road. The survey was contracted to Wilson T. Ballard Co. The diagram in attachment “A” shows the point areas where data was collected. These point areas will be used as reference points to determine if there is any widening of the road in the future.
 - 2). Road Rights-Of-Way - Staff Report (*see attachment “B”*): Mr. Olney reported that there are three most common types of right-of-way: Prescriptive, Dedicated, and Fee Simple. Mr. Olney stated that because right-of-way amounts vary greatly, a review of subdivision plats and County records is necessary to determine the right-of-way at a given location. Mr. Shen stated that the distance of right-of-way is also determined by the type of road classification (i.e. local, collector, etc). Most subdivisions have a 50 foot right-of-way.

Roads Board Comments:

Mr. Haller asked staff about roads that do not have a center-line, how is it determined how far trees are taken back along the road. Mr. Olney stated that the trimming of trees is based on the Department of Natural Resources standards and procedures. In regard to the actual tree, not just branches, Mr. Routzahn explained that they (Highway Operations) can take down dead trees along the road, but permits are required for any live trees that need to be taken down. Live trees are only taken down if they present a safety hazard, and the permit is approved. The property owner is involved in the decision to remove the tree(s).

Mr. Haller asked how much the County paid for the Shoemaker Road survey report. Mr. Olney said the invoice hasn't come in yet, but the cost would be approximately \$7,784.

Shoemaker Road Public Comments: [At 00:22:23 of the video](#)

1. Kurt Grauf, 12230 Shoemaker Road, Taneytown, Maryland – Concerns include: keeping traffic down on road; does not want widening of road; 25' of right-of-way would literally go inside his house; does not want any more trees cut in front of his property. Requested a warning sign saying "children at play" and the speed limit to be kept at 25 mph.

Commissioner Delauter replied that the issue that was brought up at the last meeting with the curve was not a speed issue, but a fire and rescue issue with the fire trucks getting around the curve. He also stated that DPW staff had stated that there is no standard for a "children at play" sign, (they do not make those signs anymore) and maybe staff could come up with a similar sign that could be used.

In answer to Mr. Grauf's concerns about the widening of the road, Commissioner Delauter stated that with the survey that was done, points were taken to see that the road is not widened. In response to the 25 ft. right-of-way, Mr. Olney explained that the county does not have any dedicated right-of-way in front of Mr. Grauf's property, only prescriptive right-of-way which is the road as it is now. The 25' right-of-way off center would not apply to Mr. Grauf's property since it has not been sub-divided. Mr. Olney explained that unless the property is sub-divided or sold, in order to have dedicated right-of-way the county would need to meet with the homeowner(s) on an individual basis for land acquisition and the homeowner(s) would need to agree to it.

Mr. Haller asked if prescriptive right-of-way applies to the whole distance of Shoemaker Road. Mr. Olney explained that they look at prescriptive right-of-way as a blanket for all roads and research would need to be done on individual properties to determine if there have been any sub-divisions of properties.

Mr. Haller asked if sight distance were to become an issue, and the County were to take action to widen the turn on Shoemaker Road, would they need to negotiate with the property owners first? Mr. Shen and Mr. Olney both replied yes.

2. Susan Hanson, 3205 Poffenberger Road, Jefferson, Maryland - Offered her opinion that most roads in the rural roads program are steeper, have blind curves, etc. Concerned that if DPW is considering a policy to eliminate these hazards that it would compromise the rural roads program. Ms. Hanson

suggested putting bumps in road, swales and speed limit signs to slow the traffic down.

3. Joshua Freels, 16915 Bullfrog Road, Taneytown, Maryland- Addressed the concern regarding the fire truck and said that since the fire truck was able to get through, that was no longer an issue. Mr. Freels commented that the County maintains the road perfectly and he likes the road the way it is and does not want it changed.
4. Nanette Allis, 16915 Bullfrog Road, Taneytown, Maryland – Ms. Allis stated that the road is being maintained and potholes filled. Ms. Allis shared photographs with Roads Board members and staff showing some spring clean up performed by the County. She explained that the photos show where the County did encroach a little bit and took a little more than they should have, but it did grow back. Ms. Allis showed some “before and after” photos to the board members and stated that they did chip away at some edges and went a little bit too far. Ms. Allis also shared a photo from 2007 which she said showed where the crews had knocked down a fence post and went farther over the edge than they should have, and in her opinion, the concerns over the road being widened are legitimate. Ms. Allis requested that the road be maintained as it is now and not have any proposals to widen or pave the road. Would like the road to stay in the rural roads program indefinitely or for at least 50 years.
5. Joshua Freels, 16915 Bullfrog Road, Taneytown, Maryland – Commented that the current sight distance problem is due to the high corn crops and that in the winter, sight distance is not a problem.

Mr. Haller stated that he went out and viewed Shoemaker Road so he could see for himself what the issues were. He commented that if Bill (Routzahn) could make Tower Road look as good as Shoemaker Road, it would make a lot of people happy.

Mr. Haller stated that at the last meeting, staff came up with three proposals and the board agreed to the option that was for the County to get some actual measurements that they could go back and look at if anyone has any questions in the future. Staff was also directed to come back with some information on right-of-ways that they could refer back to.

6. Paul Allen, 12626 Shoemaker Road, Taneytown, Maryland – Mr. Allen commented that the surveyors marked the road with 3” orange dots and that himself and 5 other land owners were present. He stated that they took their own measurements and marked their own dots at the same place the surveyors did so they would know for themselves if that record ever got lost or altered. Mr. Allen stated that all they want is a safe road to travel on. He said he does not know of any accidents on Shoemaker Road. He asked that the scenic and peaceful qualities of this road not be destroyed.

7. David M. Fitzgerald, 12314 Shoemaker Road, Taneytown, Maryland – Stated that the road is the same as it was 20 to 25 years ago with the exception of the turn at the end of his driveway which has worked itself in. He stated that the dots Mr. Allen placed on the travel lane only lasted about a week or so. He stated that there were 2 places in the travel lane, where one was 10 ft wide and the other was 10 ft. 3" wide and that Robert Shen, Chuck Nipe, and Jason Stitt met him at the site. He commented that in the winter there is no sight distance problem, but this time of year, at the end of his driveway, there is a sight distance and safety issue. He said the turn was wider 12 years ago than it is now and it keeps working its way inside due to cars hugging the inside rounding the turn. He commented that the turn is the sharpest, narrowest, and most dangerous curve on the road, and the issue is public safety. He also stated that there can be issues with the survey in 3 years because the points were taken from the center of the ditch to the center of the ditch on each side and the surveyor would not know how wide the ditches were. He said he thought the measurement was going to be to the outside extent of the disturbed area. He also commented that the fire marshal said that in the winter time, he could very easily have issues if this is all the wider the travel lane is.

Commissioner Delauter commented that the curve has always been a fire marshal issue, not a speeding issue.

Mr. Nipe commented that at the last meeting - it did not make the meeting minutes - but he thought that Commissioner Delauter had directed staff to look at the curve. He said David Fitzgerald had some concerns so he and Mr. Shen went up and looked at the curve. He stated that they have gotten everything else addressed with the survey monuments and the width of the road. Mr. Nipe said he got a legal opinion from the County legal department today, and they suggested working with the property owners and push that curve back out. Mr. Nipe said that it may also help with the drainage issue. Mr. Nipe stated that it is their intention to work with the property owners to address the curve issue. Mr. Nipe said he thinks it is a sight distance and safety issue as well. Commissioner Delauter agreed.

Mr. Nipe stated that in regards to Mr. Allen taking measurements from the large spray painted dots, that he hoped we would not be discussing inches of variance within three years, but rather significant changes of the graded area.

Mr. Allen commented that he would not be objectionable to bringing the curve out about a foot or two, not over into other people's property and not taking an inch off the bank or the trees. He stated if that would solve the problem permanently, that might be a compromise - if the landowners have no objection.

Mr. Freels commented that in the summertime there will still be a sight distance issue because the corn is 10 feet tall.

Mr. Haller voiced concern that at the last meeting, staff presented them with 3 options and that widening the curve was not one of the options. He asked what had changed. Mr. Nipe explained that the sight distance issue had come up and they were not aware of it before. Mr. Nipe said that by pushing the curve out a little, it will help with the sight distance as well as the drainage issue. Mr. Haller asked if there has been any discussion with the property owners about widening the curve, and Mr. Nipe replied that there have been some discussions.

Motion: Mr. Pearre made a motion to authorize the County to approach the property owners about widening the road at that corner only. Mr. Paul Fitzgerald seconded the motion.

Discussion: Mr. Burd asked if we have any statistics on auto accidents, personal injuries or fatalities. Several audience members answered there were none that they were aware of. One audience member said he knew of only one accident in 44 years. Staff had no statistics of accidents.

Mr. Pearre asked staff if the property owners are not interested in giving up land, would that be the end of this issue. Mr. Nipe said it would be for us.

Ms. Windsor commented that the best thing would be to open the dialog for the Acting Director to sit down with the homeowners and let them know what the proposals are and then move on to the County Commissioners.

The motion passed unanimously. Mr. Nipe and staff will meet with the affected property owners to discuss right-of-way options to widen the curve only.

IV. New Business At 01:12:50 of the video

- A. Open/Close/Alter – New Design Road (Staff Report) (*See Attachment “C”*) Mr. Olney reported that two petitioners have announced their intent to petition the Board of County Commissioners to abandon a portion of right-of-way associated with the old alignment of New Design Road. The abandonment of a County waterline easement in this area was recorded in 2010. The area is unused by the County and no future public use is planned at this time. The proposed closure would not require any improvements or alterations by the County. Staff recommends forwarding this matter to the Board of County Commissioners for their consideration.

Mr. Haller made a motion to approve the staff recommendation and Mr. Fitzgerald seconded the motion. The motion passed unanimously.

- B. Open/Close/Alter – Ridge Road at Railroad Crossing (See Attachment “D”) Mr. Olney reported that there are two Ridge Roads in the County and the one being discussed is in the Blue Ridge Summit/Sabillasville area. It connects Old Sabillasville Road and MD 550. This portion of Ridge Road provides street access to only one house. Staff is proposing to close Ridge Road at the railroad tracks and create a cul-de-sac. Staff contacted the two local fire and rescue squads and neither one indicated any concern regarding the potential closure.

Discussion: Mr. Pearre asked if the one property owner had been notified of this meeting tonight. Mr. Olney responded that they had not. Mr. Pearre stated that his only concern was that the property owner had not been notified. Mr. Olney responded that they verbally communicated with the property owner. Mr. Stitt commented that if we take this to public hearing with the Roads Board support, the property owner would be notified. Mr. Haller commented that it is still a County right-of-way and it is a safety hazard. Mr. Haller said he shares Mr. Pearre’s concern about the property owner not being notified, but this is just a recommendation saying that the Roads Board concurs with staff that this go to public hearing. Mr. Fitzgerald asked who is historically responsible for the crossing. Mr. Olney said that the railroad is ultimately responsible and the railroad is in support of closing this portion.

Motion: Mr. Haller made a motion to support staff’s recommendation to take this to public hearing with the Board of County Commissioners to close the portion of Ridge Road with the stipulation that the property owner be notified by mail in advance of the public hearing. Mr. Burd seconded the motion.

Discussion: Mr. Fitzgerald requested that in addition to the one property owner, all adjacent property owners be notified of the public hearing. Mr. Shen responded that it is typical to notify all adjacent property owners.

The motion carried 4-1 with Mr. Pearre opposed.

V. CIP and Other Project Updates (Presented by Mr. Stitt) At 01:24:11 of the video

- A. Ijamsville Road Phase I, Contract B: Final right-of-way settlement is scheduled for the week of September 9. Project is a little behind schedule, will be bidding this fall and will probably start construction next spring.
- B. Ijamsville Road Phase II: Still need a couple of right-of-ways, staff is working on those. The process is ongoing and construction will be coordinated with Contract B. Phase II extends from the railroad tracks north to MD 144.
- C. Boyers Mill Road/Bridge: Went out to bid on August 30. Pre-bid is scheduled at the site on September 10. Open bids is scheduled for October 1. Hope to start construction this winter.

D. Pavement Management Program:

- FY'14 FDR (full depth reclamation) was awarded to C. William Hetzer, Inc.
- FY'14 Patching Contract – C. William Hetzer, Inc. is the apparent low bidder and will be going to the Board for award the week of September 16.
- FY'14 Overlay Contract - going out to bid this October.
- MD 85 Short-Term Improvements Project: On schedule for an October advertisement. Located at the I-270 Interchange - will provide two right turn lanes on the northbound I-270 on-ramp and two left turn lanes.

VI. Highway Operations Updates (Presented by Mr. Routzahn) At 01:27:47 of the video

- A. Snow Removal Preparations: Purchased salt and anti-skid last May. Filled salt barns and domes to 80% at most locations. In October, they will be starting winter fix-up days for their equipment (plows, chains, hydraulic hoses, tires, etc.). After the equipment is ready, an inter-agency snow meeting including county agencies, state highway, police, city, municipalities, etc. will be held to discuss snow removal plans for the winter. After that meeting, they will have a snow "Roadeo", which will consist of driving obstacle courses set up at Harry Grove Stadium along with the City crews. There are 80 snow runs throughout the County. To fulfill all the runs they will bring on contractors again. Mr. Routzahn stated that they did a formal bid and they have a pretty good list of contractors this year.

VII. Roads Board Issues At 01:29:43 of the video

- A. Ms. Windsor commented that the guardrail being used on the turn off Rt. 75 onto Old New London Road has stopped the crushing problem, material appears to be heavier and they may have solved the issue.
- B. Mr. Haller commented that he wanted to commend the Acting Director (Chuck Nipe) for his willingness to continue to seek solutions regarding the issues on Shoemaker Road. Mr. Haller said he appreciated the fact that Mr. Nipe came up with a possible solution tonight.
- C. Ms. Windsor thanked Donnie Crum for attending the meeting, wished him a happy retirement, and again thanked him for his service to the County and the Roads Board.

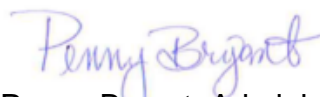
Adjournment At 01:31:08 of the video

There being no further business Ms. Windsor adjourned the meeting at 8:30 p.m.

Frederick County Roads Board
Meeting Minutes of Monday, September 9, 2013

The next meeting will be held Monday, December 2, 2013, at 7:00 p.m. in the Third Floor Hearing Room of Winchester Hall, 12 East Church Street, Frederick.

Respectfully submitted,



Penny Bryant, Administrative Assistant
Division of Public Works

PMB

cc: All via Email

All Attendees

Ragen Cherney, Administrative Analyst, County Manager's Office

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Note: Please use the following to view the meeting, access the agenda and the meeting minutes.

- Roads Board Meetings (actual): www.FrederickCountyMD.gov/media
- Roads Board Agenda: www.FrederickCountyMD.gov/roadsboard
- Roads Board Meeting Minutes: www.FrederickCountyMD.gov/roadsboard



**FREDERICK COUNTY GOVERNMENT
DIVISION OF PUBLIC WORKS**

Charles F. Nipe, Acting Director

*Department of Engineering and Construction Management
Yau-Ming (Robert) Shen, P.E., Department Head*

118 North Market Street
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Commissioners

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve
David P. Gray
Kirby Delauter

Lori L. Depies, CPA
County Manager

Memorandum

To: Frederick County Roads Board

Through: Charles F. Nipe, Acting Director, Division of Public Works *CN*
Robert Shen, P. E., Department Head, Department Engineering & Construction Management *RS*
Jason Stitt, P. E., Chief, Office of Transportation Engineering *JMS*
Gregory M. Jones, P. E., Engineering Supervisor, Traffic Section *GJ*

From: David S. Olney, Project Manager II, Traffic Section *DSO*

Date: August 30, 2013

RE: Shoemaker Road Survey

At the June 3, 2013, Roads Board meeting staff was directed to conduct a survey of Shoemaker Road that can be compared to a subsequent survey conducted in three years time, so that any road widening that may have occurred during the three year period can be identified.

The issue of road width has been raised several times in relation to Shoemaker Road. A road can be composed of several features, such as the traveled way, shoulders, ditches, and other appurtenances, such as roadside signs, guardrails, drainage pipes, culverts, bridges, etc. Road maintenance must include all road features and appurtenances for the road to function as intended.

On Shoemaker Road, the area of a road most often used by motor vehicles, or "traveled way", is not typically wide enough to allow two-way traffic, and two-way traffic is often only possible if one or both vehicles yield and utilize the shoulders and/or inside slope of the roadside ditch to pass. Staff interpret "road width" to refer to the total area that is available for use by the travelling public and maintained by Frederick County. Please refer to Figure 1 for more information.

Staff interpreted "road widening" to mean that the area of the road that could be utilized by the travelling public was increased, i.e. the sum of the traveled way, shoulders and/or inside slopes of the roadside ditches had increased over time. The survey was designed to document the outer limits of the usable road area on the gravel portion of Shoemaker Road.

Staff contracted with the Wilson T. Ballard Company (WTB) to collect data points on the road utilizing laser transit and satellite global positioning system (GPS) measuring tools. Field data was collected on August 6, 7, and 8, 2013. The survey established 13 recoverable traverse points, six of which were located with GPS, and collected over 300 data points along the gravel segment of the road. Future survey work will be able to reestablish the traverse points using a combination of GPS and conventional survey techniques. Future road data points will be relatable to the data already collected, and differences in the points will be readily identified.

Frederick County Roads Board
August 30, 2013
Page 2 of 2

WTB was directed to use their professional judgment to identify the outer limits of the usable road area. The bottom of the ditch is typically the most readily identifiable limit of the road area available for motor vehicle use. At locations where the ditch was not well defined or did not exist, the outside edge of the shoulder was substituted. At locations where there was vehicle tire wear in the bottom of the ditch, the outside edge of the flattened ditch area was documented. The boundary between the traveled way and the shoulder was also documented, identified in the field by the change in cross slope known as the "hinge point".

WTB produced a map of the road based on the data collected during the survey. A sample portion of the map printed at full scale is included as Figure 2. The entire map is on file at the Department of Engineering and Construction Management.

Please note that the centerline of the roadside ditch is not the ultimate limit of the County's prescriptive right of way. Work may be necessary beyond the centerline of the ditch to clear debris, trim vegetation, or reestablish the ditchline. Other road appurtenances, such as traffic control devices, drainage structures, guardrail, etc. may exist or require installation beyond the centerline of the roadside ditch. Installation and maintenance of these appurtenances is within the purview of the Division of Public Works.

cc: Reading file
File Copy (dso C:\data\roads board \roads board -- Shoemaker Rd survey.doc)



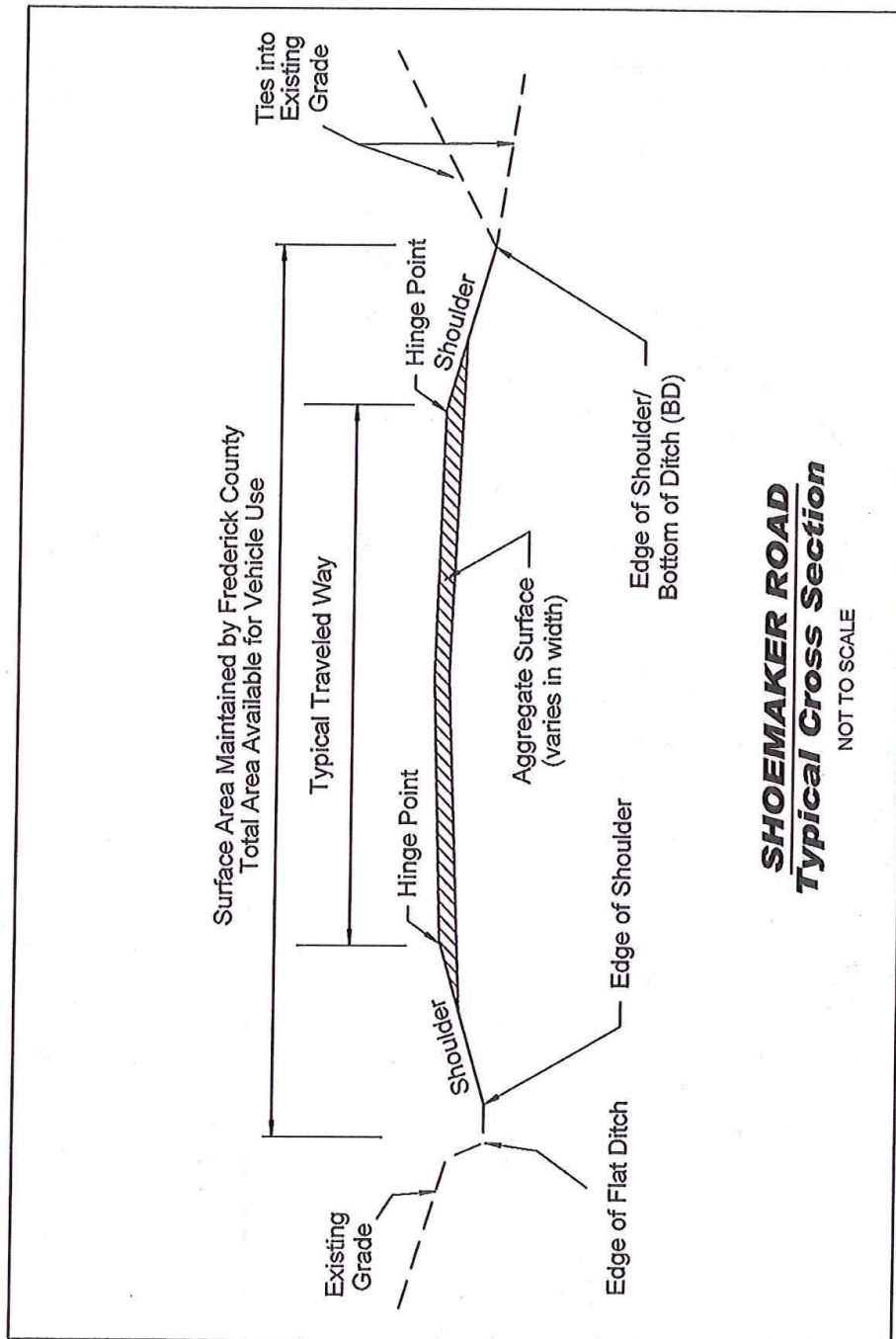


FIGURE 1. SHOEMAKER ROAD GRAVEL SEGMENT, TYPICAL CROSS SECTION.



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Memorandum

To: Frederick County Roads Board

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Robert Shen, P. E., Department Head, Department of Engineering & Construction Management *RS*
Jason Stitt, P. E., Chief, Office of Transportation Engineering *JS*
Gregory M. Jones, P. E., Engineering Supervisor, Traffic Section *GJ*

From: David S. Olney, Project Manager II, Traffic Section *DSO*

Date: September 3, 2013

RE: Road Rights of Way

At the June 3, 2013, Roads Board meeting staff was asked to present a brief description of the various types of rights of way that exist on County roads. The three most common types of right of way are Prescriptive, Dedicated, and Fee Simple.

Prescriptive right of way is implied through usage of long duration. The right of way is not expressly described or recorded, but is generally defined as the area used by the County and the travelling public on a regular basis. The County typically recognizes the area maintained by the Division of Public Works as the area of the Prescriptive right of way. This maintenance activity includes all work on the road and roadside area necessary to allow safe, efficient travel (snow removal, road repair, mowing, tree trimming, ditchline maintenance, etc.) as well as road-related structures and devices (bridges, pipes, headwalls, signs, signals, guardrail, etc.), but does not provide for road widening or expansion of facilities beyond existing limits. The extent of the Prescriptive right of way varies from location to location, but is most often described as the area between the roadside ditches.

Dedicated right of way is created during the land development process and is typically recorded on a subdivision plat. Land is "dedicated to public use" and this dedication is accepted by the County. While the dedicated area is not owned in fee simple by the County, the County has the authority to limit the ways in which the dedicated area can be used. The County is able to perform maintenance work and expand facilities in the dedicated area. The specific extents of the dedicated area is described in the plat document and is often expressed as ending at a certain distance from the centerline of the road. For example, a local road would have a dedicated right of way that extends 25 feet from the center line.

Fee Simple right of way is real estate owned by the County. The County holds all rights to the land as recorded in the corresponding written deed. The boundaries of the parcel are defined by the associated meets and bounds description.

A review of available subdivision plats and County records is necessary to determine what right of way may be available at a given location.

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Memorandum

To: Frederick County Roads Board

Through: Charles F. Nipe, Acting Director, Division of Public Works *CN*
Robert Shen, P. E., Dept. Head, Dept. Engineering & Construction Management *JMS for*
Jason Stitt, P. E., Chief, Office of Transportation Engineering *JMS for*
Gregory M. Jones, P. E., Engineering Supervisor, Traffic Section *JMS for*

From: David S. Olney, Project Manager II, Traffic Section *DSO*

Date: September 6, 2013

RE: Proposed Closure of the old alignment of New Design Road

Issue:

Should the Roads Board support two petitioners' proposal to close a portion of the old alignment of New Design Road, north of Corporate Drive?

Background:

Two petitioners, Corporate Center, LLC, and R & R Frederick Associates 1, LLLP, have announced their intent to petition the County Commissioners to abandon a portion of right of way associated with the old alignment of New Design Road north of Corporate Drive (attachment 1). Their announcement appeared in the Frederick News Post (attachment 2 and 3).

New Design Road was partially realigned in the late 1990's. The old alignment right of way in this area was never abandoned by the County. The petitioners own the two lots adjacent to the road and propose that the unused right of way be abandoned by the County and added to their lots (attachment 4 and 5).

The abandonment of a County held waterline easement in this area was recorded in the Frederick Land Records in Liber 8060, Folio 135 on October 21, 2010. The area is unused by the County and no future public use is planned at this time. The proposed closure would not require any improvements or alterations by the County.

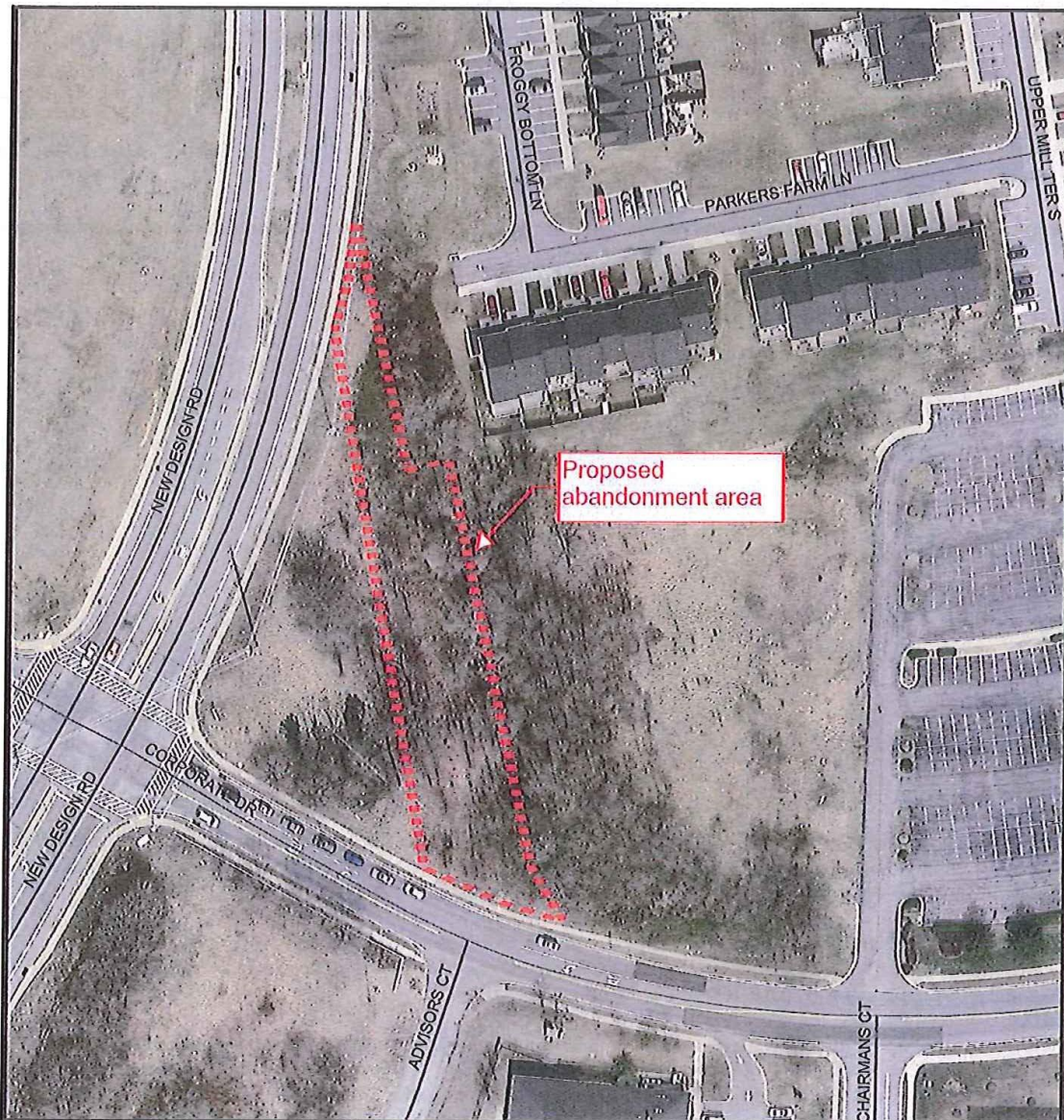
Recommendation:

Staff recommend forwarding this matter to the County Commissioners for their consideration, per the procedure required by the Maryland Annotated Code, Article 25, Section 135, et seq.

Attachments

cc: Reading file
File Copy (dso C:\data\open close alter\new design road - old alignment\roads board - o-c-a old NDR.doc)

Attachment 1
FREDERICK COUNTY DIVISION OF PUBLIC WORKS



1 Inch = 100 feet
1 Inch = 0 miles

**PROPOSED ABANDONMENT OF
"OLD" NEW DESIGN ROAD RIGHT OF WAY**



DISCLAIMERS
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site specific analysis. Modification to this product without prior consent is strictly prohibited.

**BE ADVISED THE USE OF THE CONTENT
IN THIS MAP IN ANY FORM OTHER THAN
AS PRESENTED HERE, MAY CONSTITUTE
A MISINTERPRETATION OF THE MAP'S
ORIGINAL INTENT.**



Attachment 2

NOTICE OF INTENT

R & R Frederick Associates 1, LLLP ("Petitioner") is the owner of a parcel of land identified on Frederick County Tax Map #86, Parcel #55, in the Buckeystown Election District, Frederick County, Maryland. Said real property is located at the northwest corner of former New Design Road and Corporate Drive, Frederick, Maryland 21703 and is described in the deed dated November 2, 1987 recorded among the Land Records of Frederick County, Maryland in Liber 1451, Folio 850. The Petitioner hereby gives notice of its intent to petition the Board of County Commissioners of Frederick County, Maryland to close former New Design Road, one of the Frederick County public roads which adjoins the real property described above.

Documents showing the limits of the area to be subject to the petition to close former New Design Road may be examined at the Division of Public Works, 118 N. Market St., Frederick, Maryland 21701. Questions regarding the intended road closing may be directed to the undersigned.

Harris, Smariga & Associates
125 South Carroll Street, Suite 100
Frederick, MD 21701
Attn: Fran Zeller

To Be Posted July 19th, 26th and August 2nd, 2013

Attachment 3

NOTICE OF INTENT

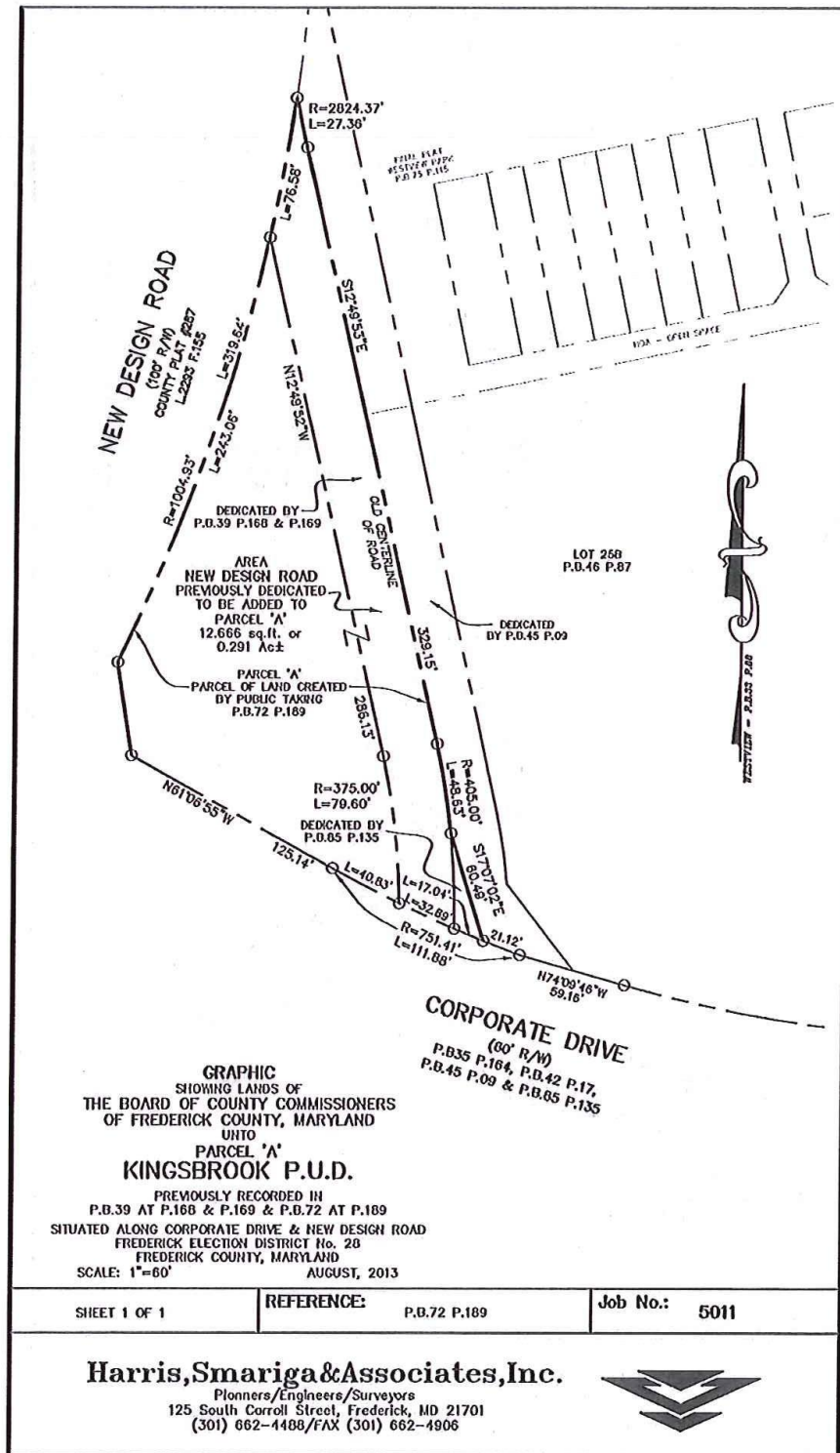
Corporate Center, LLC ("Petitioner") is the owner of a parcel of land identified on Frederick County Tax Map #86, Parcel #215, in the Buckeystown Election District, Frederick County, Maryland. Said real property is located at the northeast corner of former New Design Road and Corporate Drive, Frederick, MD 21703 and is described in the deed dated November 3, 2011, recorded among the Land Records of Frederick County, Maryland in Liber 8607, Folio 165. The Petitioner hereby gives notice of its intent to petition the Board of County Commissioners of Frederick County, Maryland to close former New Design Road, one of Frederick County public roads which adjoins the real property described above.

Documents showing the limits of the area to be subject to the petition to close former New Design Road may be examined at the Division of Public Works, 118 N. Market St., Frederick, Maryland 21701. Questions regarding the intended road closing may be directed to the undersigned.

Corporate Center, LLC
7420 Hayward Road, Suite 203
Frederick, MD 21702
Attn: Gary Large

To Be Posted July 19th, 26th and August 2nd, 2013







**FREDERICK COUNTY GOVERNMENT
DIVISION OF PUBLIC WORKS**

Charles F. Nipe, Acting Director

*Department of Engineering and Construction Management
Yau-Ming (Robert) Shen, P.E., Department Head*

118 North Market Street
Frederick, Maryland 21701

www.FrederickCountyMD.gov

O: 301-600-1687 F: 301-600-2355

Commissioners

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve
David P. Gray
Kirby Delauter

Lori L. Depies, CPA
County Manager

Memorandum

To: Frederick County Roads Board

Through: Charles F. Nipe, Acting Director, Division of Public Works *CN*
Robert Shen, P. E., Dept. Head, Dept. Engineering & Construction Management *JMS*
Jason Stitt, P. E., Chief, Office of Transportation Engineering *JMS*
Gregory M. Jones, P. E., Engineering Supervisor, Traffic Section *JMS*

From: David S. Olney, Project Manager II, Traffic Section *DSO*

Date: September 6, 2013

RE: Proposed Closure of Ridge Road

Issue:

Should the Roads Board support the Division of Public Work's proposal to Close a portion of Ridge Road in the Blue Ridge Summit neighborhood?

Background:

DPW staff plan to request the County Commissioners to allow closure of a portion of Ridge Road in Blue Ridge Summit, Maryland. At this time Ridge Road begins in Washington County and heads generally northeast, crossing MD 550 (Sabillasville Road) and the Maryland Midland Railway, ending at Old Sabillasville Road. Staff proposes to close the road at a point south of the railroad tracks, creating a new cul-de-sac. Please refer to the map included as Attachment 1 for more information.

The Maryland Midland Railway at-grade crossing is higher than Old Sabillasville Road and presents a steep incline to motorists attempting to pass between Old Sabillasville Road and MD 550 (Figure 1). The incline is steep enough to put vehicles with longer wheelbases at risk of "bottoming out" on the surface of the pavement or the tracks. The geometric limitations of the site do not support correction of this problem.

This portion of Ridge Road provides street access to one house, buried water lines, overhead utilities, and an alley that leads west towards Eyler Ave. Traffic volumes are very low.

Staff has contacted representatives of the Maryland Midland Railway to determine their support for the proposed closure. Mr. William Grove, Maintenance of Way Superintendent with the Maryland Midland Railway, has demonstrated his support for the proposed closure in a letter dated July 23, 2013, included as Attachment 2.

Staff made recent attempts to contact the Smithburg Volunteer Fire Department and the Blue Ridge Fire and Rescue Squad. Neither organization has indicated any concern regarding the potential closure.

Frederick County Roads Board
September 6, 2013
Page 2

Approximately 5 years ago staff approached Mr. Kevin Finnin, Battalion Chief with the Division of Fire and Rescue services, who concurred with the proposal (see attachment 3). At that time staff also contact the one resident who lived on this portion of the road, and they also supported the proposal.

The individuals that reside at 17637 Sabillasville Road, the only property that relies solely on this portion of Ridge Ave for street access, verbally support the proposed closure.

The proposed closure would include the portion of Ridge Ave north of the rail road crossing and immediately south of the crossing. The road surface in the closed portion will be removed and the area will be seeded with grass. Guard rail is proposed on either side of the tracks to prevent continued use of the roadway. The entire length of road to be closed lies within the Maryland Midland Railroad right of way.

At this time the intersection of Ridge Road and the unnamed alley is used to turn around south of the railroad tracks. No additional improvements are planned at this location.

Recommendation:

Staff recommend petitioning the County Commissioners to close Ridge Road at the rail road tracks, per the procedure required by the Maryland Annotated Code, Article 25, Section 135, et seq.



Figure 1. Ridge Road between the railroad and Old Sabillasville Road.

Attachments

cc: Reading file
File Copy (dso C:\data\open close after ridge ave\roads board -- o-c-a Ridge Rd.doc)

Attachment 1

FREDERICK COUNTY DIVISION OF PUBLIC WORKS



1 Inch = 50 feet
1 Inch = 0 miles

PROPOSED CLOSURE OF RIDGE ROAD BLUE RIDGE SUMMIT



DISCLAIMERS
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Modification to this product without prior consent is strictly prohibited.

BE ADVISED THE USE OF THE CONTENT IN THIS MAP IN ANY FORM OTHER THAN AS PRESENTED HERE, MAY CONSTITUTE A MISINTERPRETATION OF THE MAP'S ORIGINAL INTENT.



Attachment 2



July 23, 2013

David Olney
Office of Transportation Engineering
Frederick County Division of Public Works
118 North Market Street
Frederick, Maryland 21701

Re: Ridge Ave., Cascade MD

Dear Mr. Olney:

Maryland Midland Railway supports the counties proposal to permanently close the highway-rail grade crossing on Ridge Ave. in Cascade MD. In the interest of public safety Maryland Midland Railway believes the safest solution is to close the crossing due to the configuration of the crossing and geographic constraints present.

If you have any questions or require additional information, please do not hesitate to call me at (410) 775-7718, ext. 116. Thank you for your assistance in this matter.

Sincerely,

William Grove
Roadmaster
Maryland Midland Railway

Maryland Midland Railway, Inc.
P.O. Box 1000, 40 North Main Street
Union Bridge, Maryland 21791-0568
Phone 410-775-7718 Fax 410-775-2520

Attachment 3

From: Finnin, Kevin
Sent: Tuesday, July 08, 2008 11:14 AM
To: Olney, David; Brown, Doug (FCFRS)
Cc: Mellin, Gene
Subject: RE: Road Closure - Ridge Ave

David, I have just completed a site visit of this street and agree the road needs to be closed at the railroad tracks. I would presume that you will maintain access to the one address off of Ridge Ave from Rt 550 and place signage and or barricades noting a dead-end street. Other than that I see no issue regarding this street. Please let me know if you should have any other questions regarding this street. Thanks

-----Original Message-----

From: Olney, David
Sent: Thursday, July 03, 2008 2:59 PM
To: Brown, Doug (FCFRS); Finnin, Kevin
Cc: Mellin, Gene
Subject: Road Closure - Ridge Ave

Gentlemen,

Do you have any comments or concerns regarding the potential closure of Ridge Ave between Sabillasville Road (MD 550) and Old Sabillasville Road?

Thanks for your input.

Dave

David Olney
Project Manager I
Office of Transportation Engineering
Department of Highways and Transportation
Division of Public Works
118 North Market Street
Frederick, Maryland 21701
phone: (301) 600-2930
fax: (301) 600-2355
dolney@fredco-md.net